

# **EXHIBIT 4**

1  
2 IN THE UNITED STATES BANKRUPTCY COURT  
3 FOR THE SOUTHERN DISTRICT OF NEW YORK  
4 Chapter 11  
Case No. 19-11711(SCC)  
Adv. Pro. No. 19-1300(SCC)  
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5 IN RE:

6 THE D&M CAPITAL GROUP, LLC,  
7

8 Debtor.  
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9 THE D&M CAPITAL GROUP, LLC,

10 Plaintiff,

11 -against-

12 ESSEX GLOBAL TRADING, LLC,  
13 ALEKS PAUL and "JOHN DOES," said names  
being fictitious and unknown,

14 Defendants,

15 -and-

16 RADWAN DIAMOND & JEWELLERY TRADING,  
17 ULTIMATE DIAMOND CO., S.B. DIAMOND CORP.,  
PALAWAN HOLDINGS LIMITED, and  
18 GEMCUT S.A.,

Nominal Defendants.  
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19 (Caption continued)

20 Transcript of Deposition of

21 MOTY SPECTOR

22 Tuesday, October 8, 2019

23 9:04 a.m.

24 Office of Samuel P. Israel, Esq.

25 New York, New York

Tab Prewett, Court Reporter

1  
2 ESSEX GLOBAL TRADING, INC.,

3  
4 Plaintiff,

5  
6 -against-

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8 MOTY SPECTOR,

9  
10 Third-Party Defendant.

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12  
13  
14 DEPOSITION OF MOTY SPECTOR

15  
16  
17 TRANSCRIPT of the stenographic notes of  
18 the proceedings in the above-entitled matter, as  
19 taken by and before TAB PREWETT, a Registered  
20 Professional Reporter, a Certified LiveNote  
21 Reporter, Certified Shorthand Reporter and Notary  
22 Public, held at the Offices of SAMUEL P. ISRAEL  
23 LLP, 180 Maiden Lane, New York, New York 10016,  
24 on Tuesday, October 8, 2019, commencing at  
25 9:04 a.m.

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A P P E A R A N C E S:

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10 Attorneys for Moty Spector,  
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12  
13 TROUTMAN SANDERS LLP

14 BY: BRETT D. GOODMAN, ESQ.

15 875 Third Avenue

16 New York, New York 10022

17  
18  
19 Attorneys for Plaintiff,  
20 The D&M Capital Group

1 Moty Spector

2 P R O C E E D I N G S

3 M O T Y S P E C T O R,

4 doing business at The D&M Capital Group,

5 592 Fifth Avenue,

6 New York, New York 10036,

7 having been sworn by the notary public to testify

8 to the truth, testified as follows:

9 DIRECT EXAMINATION

10 BY MR. ISRAEL:

11 Q Good morning, Mr. Spector. My name  
12 is Sam Israel as you know. I am going to be  
13 asking questions today in connection with an  
14 adversary proceeding that was commenced against  
15 Essex Global Trading and Aleks Paul, and that's  
16 scheduled to have a hearing in just about a week  
17 from now, maybe a week and a couple of days.

18 If you don't understand any of the  
19 questions that I put to you, please tell me, and  
20 I will rephrase them. And, of course, as we  
21 discussed, if you need to take a break, just  
22 signal that you have got to take a break; and we  
23 will take a break, and you can use the bathroom.

24 Could you tell us briefly what your  
25 educational background is?

1 Moty Spector

2 reason or another.

3 So all of my questions are asking  
4 about what you know. They don't require you to  
5 speculate. Okay.

6 If you look above the middle of the  
7 page, it says:

8 "100 percent owned by D&M Capital  
9 Group LLC, collateral for loan."

10 What was it a collateral for, for  
11 what loan?

12 A I can answer?

13 MR. GOODMAN: Objection. You can  
14 answer.

15 A D&M pledge a loan from Essex a  
16 while before.

17 Q Right. And this was collateral for  
18 the loan, correct?

19 MR. GOODMAN: Objection.

20 Q I can't hear you. What? He made  
21 his objection. Now, you have to answer. The way  
22 it works is --

23 MR. GOODMAN: If you know -- if you  
24 know, you have to answer.

25 Q The way it works is like this. He

1 Moty Spector

2 makes an objection. He preserves the record, but  
3 you have to answer the question that I'm asking  
4 you. Okay.

5 A Okay.

6 Q Okay. So can we have your answer  
7 to the question?

8 A Ask the question again.

9 MR. ISRAEL: Read it to him,  
10 please.

11 (Reporter read back pending  
12 question:

13 QUESTION: "And this was collateral  
14 for the loan, correct?")

15 MR. GOODMAN: Objection. Calls for  
16 a legal conclusion.

17 Q You can answer.

18 A From time to time, Mr. Paul asked  
19 me to write collateral for his investors or  
20 whatever he meant. So, yes, it's written  
21 there -- from time to time Mr. Paul was asking me  
22 to write memos that it's collateral for the sake  
23 of showing to his investors. He mention a loan.

24 Q Well, is it or was it -- was it or  
25 was it not collateral?



1 Moty Spector

2 A No, it wasn't.

3 MR. GOODMAN: Objection to the  
4 form.

5 MR. MEDINA: Objection.

6 Q So you wrote the word "collateral"  
7 there even though that wasn't true?

8 A I would say.

9 MR. MEDINA: Objection.

10 Q And what else about -- about this  
11 document isn't true?

12 MR. GOODMAN: Objection.

13 MR. MEDINA: Objection.

14 Q You can answer.

15 A Everything is true.

16 Q Everything is true except for the  
17 fact that it was collateral?

18 A Yes.

19 Q Okay. What about the fact that it  
20 says it's "100 percent owned by D&M Capital  
21 Group"?

22 Is that true?

23 A No.

24 Q That wasn't true, either; was it?

25 A No.

CERTIFICATE

I, TAB PREWETT, A Registered Professional Reporter, Notary Public, Certified LiveNote Reporter, and Certified Shorthand Reporter, do hereby certify that prior to the commencement of the examination MOTY SPECTOR was sworn by the notary public to testify the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

TAB Prewett

TAB PREWETT  
Notary Public

My Commission expires February 9, 2024  
Dated: October 8, 2019